

**FILED**

**FEB 15 2013**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STEPHEN C. WILLIAMS  
U.S. MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

IN THE MATTER OF THE SEARCH OF: )

A Facebook account, further described as: )

www.facebook.com/#!/[REDACTED]  
(Preservation request #198117)

) Case No. 13-mj-7018

) **FILED UNDER SEAL**

)

**APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT**

I, Mark Krug, being first duly sworn, hereby depose and state as follows:

I am a Special Federal Officer with the Federal Bureau of Investigation, and have reason to believe that on the premises known as:

Facebook Inc., 1601 S. California Avenue, Palo Alto, CA 94304, there is now concealed certain property, including:

**Information and content, as described in Attachment A, associated with a  
Facebook account, further described as:  
www.facebook.com/#!/[REDACTED] (Preservation request #198117),**

which constitutes evidence of the commission of a criminal offense or which is contraband, the fruit of crime, or things otherwise criminally possessed, or which is designed or intended for use, or which is or has been used as the means of committing an offense or avoiding apprehension for an offense, in violation of Title 18, United States Code, Section 3146(a)(1), Failure to Appear.

**AFFIDAVIT**

The facts to support the issuance of this Search Warrant are as follows:

**Introduction**

1. I am a Special Federal Officer (SFO) with the Federal Bureau of Investigation (FBI), assigned to the Springfield Child Exploitation Task Force (SCETF) based in the FBI's Springfield Division, Fairview Heights, Illinois, Resident Agency. SCETF is an FBI sponsored Task Force assembled to combat a variety of cyber-related crime in the Metro-East area. SCETF is comprised of

law enforcement personnel from approximately 15 different local, state, and federal agencies. I have been assigned to the SCETF for approximately six years.

I was assigned to the SCETF by the Collinsville Police Department, and I have worked as a sworn police officer for approximately 17 years. During this time, I have investigated and assisted in the investigation of a variety of state and federal offenses, including on-line exploitation of children, the possession, receipt, and transmission of images of child pornography, and sexual offenses against children. In addition to my involvement in assisting or conducting such investigations, I have also gained knowledge, experience, and training in such investigations through training seminars, classes, and work with other state and federal cyber-crime investigators. Through training and experience and work with other cyber-crimes investigators, I have learned about the habits of child pornography collectors, distributors, and producers, those who exploit children online, and those who commit sexual offenses against children. I have been trained in the search and recovery of computers and peripherals, in the extraction of computer data and data from cellular telephones, in the forensic preview of a computer of a suspect, and in imaging computer hard drives.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. (Facebook), a social networking company whose custodian of records is located at 1601 S. California Avenue, Palo Alto, California, 94304. The information for which FBI will be searching is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the Facebook account described in the style of this Application and Affidavit for Search Warrant (the Facebook account).

3. This affidavit seeks to search for and to seize contraband, evidence or instrumentalities of violations of Title 18, United States Code, Section 3146(a)(1), specifically evidence regarding the Failure to Appear of Matthew Staszak in United States District Court, Case No. 12-40064-JPG, for court proceedings relating to charges pending against him for offenses involving sexual conduct with a minor.

4. The statements contained in this affidavit are based upon my training and experience

as a Special Federal Officer of the FBI and a Collinsville Police Officer, information provided to me by the United States Marshals Service (USMS), other law enforcement officers and investigators, and upon my consultation with personnel trained in the investigation, seizure, and analysis of computers, electronic data, and electronic media. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of a violation of Title 18, United States Code, Section 3146(a)(1), is located in the Facebook account.

#### **About Facebook**

5. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to create their own profile pages, which can include lists of their personal interests, photos of themselves and friends, and links to pages within and outside the Facebook environment. Facebook also permits users to send and receive private messages (the functional equivalent of e-mails) with other Facebook users, and to restrict the disclosure of certain information (blogs, profile information) exclusively to the Facebook “friends” of their choosing.

6. Facebook asks users to provide basic identity and contact information to Facebook, either during the registration process or thereafter. This information includes, but is not limited to, the user’s full name, user ID, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, and occupation. Facebook retains information about the date and time a user’s profile was created, the date and time the account was created, and the Internet Protocol (“IP”) address at the time of registration. Because every device that connects to the Internet must use an IP address, IP address information can help identify which computers or other devices were used to access a given Facebook account.

7. Facebook maintains IP logs for each user. These logs contain information about the user’s log-ins to Facebook, including, for each access, the IP address assigned to the user, and the date stamp at the time the user accessed his or her profile. Facebook retains IP log information about each account access for at least one year.

8. Facebook users can exchange private mail messages with other users via Facebook. A given private message typically includes the identifications of the sender and the recipient of the message, a subject line, the actual content of the message, and a date stamp reflecting when the message was sent. Private messages are sent to the recipient's Facebook inbox and remain available there until the recipient removes them. Private messages are also available from a "sent box" for the Facebook user who sent the message. Facebook retains sent messages for at least 14 days, unless the sender manually deletes them from the sent box.

9. Facebook users can add a variety of information to their profiles, including photographs, videos, music and other audio files, lists of personal interests and preferences, journals or web logs ("blogs"), bulletins, news feeds, links to other locations on the Internet, and "About Me" entries, which typically contain personal information about the user. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles. Facebook allows users to edit or delete comments on their own profile pages, and users can also adjust their profile settings to allow them to pre-approve comments on their own profile pages.

10. A Facebook user can link his profile page to the profile of another Facebook user by becoming "friends" with that user on Facebook. Each user profile page includes a list of that user's "friends," along with links to the friends' profiles pages. Facebook users can adjust the privacy settings for their profile so that their profile information is visible only to their Facebook "friends," rather than to the public (which is the default setting).

11. Facebook users can post free classified ads on Facebook Classifieds. Facebook also allows users to place applications in their profiles.

12. For a given user, Facebook retains the basic identify information entered by the user, all data displayed on the user's profile, and all stored files (such as images and videos) contained in the user's account as long as the user has not edited the data or removed the files from the profile. When a given Facebook account is deleted, Facebook retains certain information relating to that account for at least one year, including user identity information and IP logs.

13. In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems or complaints. Social networking providers like Facebook typically retain records about such communications, including records of contacts between

the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

14. Facebook additionally can retain deleted files, messages, and information on backup servers that can be retrieved, including deactivated accounts, messages, and chats. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

#### Case Investigation

15. The USMS and the FBI are investigating Matthew Staszak for Failure to Appear in violation of 18 U.S.C. 3146(a)(1). The FBI is also investigating Matthew Staszak and [REDACTED] for Witness Tampering in violation of 18 U.S.C. 1512(b), and conspiracy and/or aiding and abetting Witness Tampering. Staszak is currently under indictment in United States v. Matthew Staszak, SDIL Criminal No. 12-CR-40064-JPG, for offenses involving sexual conduct with a minor victim, [REDACTED], and his whereabouts are unknown.

16. Pending trial, Staszak was released on bond, with conditions of home detention and location monitoring, to the residence of his father, Daniel Staszak, located at [REDACTED], Illinois. Staszak was due to appear in court on October 4, 2012, at 11:30 a.m., for an arraignment on a Superseding Indictment, but failed to appear. It was determined that in the late hours of October 3, 2012, Staszak removed his location monitoring ankle bracelet and absconded rather than face prosecution. The Government's Motion to Revoke Bond (Doc. 39) was filed and granted (Doc. 40), and an arrest warrant was issued on October 4, 2012. Staszak's whereabouts remain unknown.

17. On February 13, 2013, [REDACTED] received an unsigned letter, purportedly from Staszak and clearly written from his perspective, at the address of [REDACTED]

[REDACTED] The letter is attached hereto and incorporated by reference herein as Exhibit 1. [REDACTED]

[REDACTED] The letter is postmarked February 2, 2013, from St. Louis, Missouri. [REDACTED] previously lived in St. Louis, Missouri.

18. For purposes of this Application and Affidavit for Search Warrant, the letter states in relevant part:



If you still want to work this out overtime, I will have one of my new friends who has a facebook account, look at your profile picture if you're wearing a blue shirt in your profile pic I'll know you got this letter and want to try and work things out. If there is no change or new picture I will assume you don't care and I will never contact you again (grammatical errors in original).

19. In interviews on February 13 and 14, 2013, [REDACTED] identified the handwriting in Exhibit 1 as Staszak's handwriting. In response to questioning regarding how Staszak knew [REDACTED] address, [REDACTED] stated that several weeks ago, when she was living in St. Louis, she accepted a new friend request from [REDACTED] on Facebook. [REDACTED] accepted [REDACTED] friend request because he identified himself as being from [REDACTED], Illinois, a town near where [REDACTED]'s extended family resides and near where she used to reside. [REDACTED] said that [REDACTED] friend request is the only friend request she has accepted during the last several weeks of someone she does not know personally.

[REDACTED] said she finds strange similarities between [REDACTED] word usage and manner of "speaking" on Facebook and Staszak's word usage and manner of speaking when she was in communication with Staszak. For example, she noted that [REDACTED] uses his middle initial, [REDACTED] as did Staszak, whose middle initial is also [REDACTED]. She said [REDACTED] referred to her as [REDACTED] and the only other person who did so other than family and close friends on occasion was Staszak. [REDACTED] believes [REDACTED] is who he purports to be, but since she received the letter on February 13<sup>th</sup> from Staszak, she believes [REDACTED] is in contact with Staszak. When [REDACTED] posted on Facebook her pending move to [REDACTED], [REDACTED] asked why she was moving, and she told him that her father wanted to marry his girlfriend and settle there. She recalls providing [REDACTED] with her father's girlfriend's first name, and may have provided the full name to him or provided it in other Facebook posts to which he had access.

[REDACTED] said that [REDACTED] is a "cop," or somehow associated with law enforcement, and that he works in [REDACTED]. [REDACTED] told her that he was familiar with Staszak and his family, and knew about the case pending against Staszak. [REDACTED] claimed to know some U.S. Marshals and believed Staszak would be caught and brought to justice. [REDACTED] questioned her about specifics of the case against Staszak, particularly questioning her about a [REDACTED] Staszak made of them. [REDACTED] asked [REDACTED] if she wanted to go on "ride-alongs" with him, but she declined.

20. [REDACTED] has agreed that she will allow your affiant and the USMS to access her Facebook account in furtherance of this investigation.

*REM 29*  
*was born in 1965, and in*

21. Your affiant has learned that [REDACTED] near the age of Staszak's father, and that [REDACTED] was fired by the [REDACTED] for perjury in 2007. It appears [REDACTED] is currently employed as a [REDACTED] for [REDACTED]. To my knowledge, there is no "ride-along" program for [REDACTED] in [REDACTED]. The USMS, Benton, Illinois, advised that after Staszak absconded, [REDACTED] contacted U.S. Deputy Marshal [REDACTED] purportedly to check on Staszak's status as a fugitive. Deputy Marshal [REDACTED] believed [REDACTED] was "fishing" for information.

22. Your affiant also submits that the contents of the letter establish Staszak's attempt to intimidate, threaten, or corruptly persuade [REDACTED] or to engage in misleading conduct toward her, with the intent to influence or prevent her testimony against him, by intimating that [REDACTED] is in trouble and that he absconded so as not to have to testify [REDACTED]. Thus, Staszak, along with [REDACTED], who may be conspiring with or aiding and abetting Staszak, are also being investigated for a violation of 18 U.S.C. 1512(b).

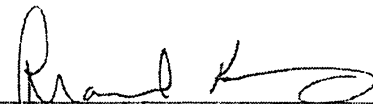
23. Your affiant has submitted a preservation request for the Facebook account, pursuant to 18 U.S.C. 2703, requesting Facebook to preserve the contents of the account until such time as legal process could be obtained. This was done to prevent the destruction or alteration of evidence sought to be obtained from the account. Facebook has complied with the request and assigned preservation request reference number 198117.

24. In summary, in the letter purportedly authored by Staszak, Staszak informs [REDACTED] that he has access to her Facebook account through a friend and asks [REDACTED] to communicate a signal to him through her Facebook account by wearing a blue shirt. [REDACTED] is only new Facebook "friend," who she does not know personally, is [REDACTED], who is familiar with Staszak and Staszak's family. It is the opinion of your affiant and the USMS that [REDACTED] is actually Staszak using an assumed Facebook identity or the Facebook account of [REDACTED], or is, in fact, [REDACTED] who is in contact with Staszak. In either scenario, there is probable cause to believe that a search of the Facebook account further described as: [www.facebook.com/#!/\[REDACTED\]](http://www.facebook.com/#!/[REDACTED]) will produce evidence relating to the violations of 18 U.S.C. 3146(a)(1) and 1512(b), and the whereabouts of Matthew L. Staszak.

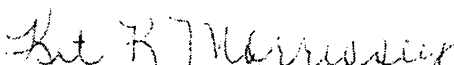
25. Disclosure of the contents of the Application and Affidavit for Search Warrant, and the Search Warrant, could compromise witnesses who have provided information to the FBI, including the minor victim.

26. It is further requested that any content, images, pictures, text or information which has been used in the commission of, or which may constitute evidence of, a violation of Title 18, United States Code, Sections 3146(a)(1) and 1512(b), be provided to the requesting agency in digital format. It is also requested that Facebook.com comply with preserving the above information and not lock the account or notify the subscriber(s) until further order of the court.

FURTHER AFFIANT SAYETH NAUGHT.


  
MARK KRUG  
Special Federal Officer  
Federal Bureau of Investigation

STEPHEN R. WIGGINGTON  
United States Attorney

  
KIT R. MORRISSEY or ANGELA SCOTT  
Assistant United States Attorneys

State of Illinois                    )  
  ) SS.  
County of St. Clair            )

Sworn to before me, and subscribed in my presence on the 15<sup>th</sup> day of February, 2013,  
East St. Louis, Illinois.

  
STEPHEN C. WILLIAMS  
United States Magistrate Judge